

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92181

Peggy STUDER, et al.

Appln. No.: 10/564,729

Group Art Unit: 1796

Confirmation No.: 9662

Examiner: Helen Lee Pezzuto

Filed: January 17, 2006

For: POLYMERIZABLE COPOLYMERS FOR ALIGNMENT LAYERS

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirements in the Office Action dated August 11, 2008. A Preliminary Amendment is being filed concurrently herewith.

(1) In response to the Restriction Requirement, Applicants elect Group I, claims 1 to 9, with traverse. In regard to the elected claims, Applicants submit that newly added claims 13-19 should be examined as part of Group I.

As the basis for traversal, Applicants submit that claims 10 to 12 together with claims 1 to 9 encompass a common inventive concept.

This inventive concept is based on the provision of the composition as described in present claim 1.

In particular, claim 10 relates to a composite material comprising the composition described in claim 1, claim 11 relates to a composition comprising a photocrosslinked layer of the composition described in claim 1, and claim 12 relates to the use of the composition described in claim 1 for the prosecution of alignment layers.

All claims of the invention comprise the inventive composition as described in claim 1. Hence, claims 1 to 12 should be examined together rather than restricted into the two groups set forth in the Office Action.

Moreover, Applicants respectfully submit that in the event that the restriction requirement is maintained, claims 10-12 should be rejoined upon a finding of allowable subject matter in claim 1, per the provisions of MPEP 821.04(a) and (b), because the claims of Group II include all the requirements of claim 1.

(2) In response to the Election of Species Requirement, Applicant makes the following elections.

For species (1), Applicants elect [[8-[(2-methyl-1-oxo-2-propenyl)oxy]octyl]oxy]-2-methoxy-4-(3-methoxy-3-oxo-1-propenyl)phenyl]phenyl benzoate (see, e.g., page 26, lines 22-25, and page 25, lines 2-4).

For species (2), Applicants elect 3-benzoyl-7-[5-methacryloxydi(ethylenoxy)]coumarin according to example A3 of the present invention.

For species (3), Applicants elect 3-acetyl-7-(methacryloxydecaethylenoxy)coumarin according to example A7 of the present invention.

It is believed that all claims read on the elected species.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Bruce E. Kramer
Registration No. 33,725

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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